United Nations A/C.3/53/L.25

General Assembly

Distr.: Limited
2 November 1998

Original: English

Fifty-third session
Third Committee
Agenda item 108
Elimination of racism and racial discrimination

Indonesia*, Germany and Turkey: draft resolution

Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Recalling its resolution 52/109 of 12 December 1997, and taking note of Commission on Human Rights resolution 1998/26 of 17 April 1998,[1]

Bearing in mind the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, in particular the attention given in the Vienna Declaration and Programme of Action[2] to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Aware that racism, as one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Having examined the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[3] including its conclusions and recommendations,

Deeply concerned that, despite continued efforts, racism, racial discrimination, xenophobia and related intolerance, as well as acts of violence, persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

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* On behalf of the States Members of the United Nations that are members of the Group of 77 and China

[1] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A

[2] A/CONF.157/24 (Part I), chap. III

[3] A/53/269

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Deeply concerned also that those advocating racism and racial discrimination misuse new communication technologies, including the Internet, to disseminate their repugnant views,

Noting that the use of such technologies can contribute to combating racism, racial discrimination, xenophobia and related intolerance,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance that are increasingly visible in segments of many societies and are perpetrated by individuals or groups, some of which manifestations are directed against migrant workers and members of their families,

Reaffirming, in this regard, the responsibility of Governments for safeguarding and protecting the rights of individuals residing in their territory against racist or xenophobic crimes perpetrated by individuals or groups,

Noting that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (42) of 17 March 1993[4] on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination,[5] holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights[6] and in article 5 of the Convention,

Taking note that the reports which the States Parties submit under the International Convention on the Elimination of All Forms of Racial Discrimination contain, *inter alia*, information about the causes of as well as measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Conscious that impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and tends to encourage the recurrence of such crimes,

Particularly alarmed at the rise of racist and xenophobic ideas in political circles, in the sphere of public opinion and in society at large,

Taking note that the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance will continue to pay attention to the rise of racist and xenophobic ideas in political circles, in the sphere of public opinion and in society at large,

Emphasizing the importance of creating conditions that foster greater harmony and tolerance within societies,

1. *Takes note with appreciation* of the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[3] and expresses its support for the continuation of his work;

2. *Requests* the Special Rapporteur to continue his exchange of views with Member States, relevant mechanisms, related United Nations organs and the specialized agencies in order to further their effectiveness and mutual cooperation;

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[4] See *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18* (A/48/18), chap. VIII, sect. B.

[5] Resolution 2106 A (XX).

[6] Resolution 217 A (III).

3. *Commends* the Committee on the Elimination of Racial Discrimination for its contribution towards the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,[5] which contributes to the fight against contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

4. *Affirms* that acts of racist violence against others stemming from racism do not comprise expressions of opinion but rather offences;

5. *Declares* that racism and racial discrimination are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

6. *Expresses its profound concern about and unequivocal condemnation* of all forms of racism and racial discrimination, in particular all racist violence, and related acts of random and indiscriminate violence;

7. *Also expresses its profound concern about and unequivocal condemnation* of all forms of racism and racial discrimination, including propaganda, activities and organizations based on doctrines of superiority of one race or group of persons that attempt to justify or promote racism and racial discrimination in any form;

8. *Expresses its profound concern about and condemnation* of manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant workers and members of their families, persons belonging to minorities and members of vulnerable groups in many societies;

9. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of, and tolerance and respect for, foreign cultures, peoples and countries;

10. *Recognizes* that the increasing gravity of different manifestations of racism, racial discrimination and xenophobia in various parts of the world requires a more integrated and effective approach on the part of the relevant mechanisms of United Nations human rights machinery;

11. *Encourages* Governments to take appropriate measures to eradicate all forms of racism, racial discrimination, xenophobia and related intolerance;

12. *Calls upon* all States to review and, where necessary, revise their immigration policies with a view to eliminating all discriminatory policies and practices against migrants which are inconsistent with relevant international human rights instruments;

13. *Categorically deplores* the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred;

14. *Recognizes* that Governments should implement and enforce appropriate and effective legislation to prevent acts of racism, racial discrimination, xenophobia and related intolerance;

15. *Calls upon* all Governments and intergovernmental organizations, with the assistance of non-governmental organizations, as appropriate, to supply relevant information to the Special Rapporteur to enable him to fulfil his mandate;

16. *Commends* non-governmental organizations for the action that they have taken against racism and racial discrimination and for the continuous support and assistance that they have provided to the victims of racism and racial discrimination;

17. *Urges* all Governments to cooperate fully with the Special Rapporteur, with a view to enabling him to fulfil his mandate, including to examine incidents of contemporary forms of racism and racial discrimination, *inter alia*, against Blacks, Arabs and Muslims, xenophobia, Negrophobia, anti-Semitism and related intolerance;

18. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-fourth session.

United Nations A/C.3/53/L.26

General Assembly

Distr.: Limited
4 November 1998

Original: English

Fifty-third session
Third Committee
Agenda item 109
Right of peoples to self-determination

Algeria, Andorra, Austria, Bangladesh, Benin, Brazil, Brunei Darussalam, Cuba, Cyprus, Egypt, Finland, France, Germany, Greece, Indonesia, Ireland, Italy, Jordan, Kuwait, Lao People's Democratic Republic, Luxembourg, Madagascar, Malaysia, Mauritania, Monaco, Morocco, Nigeria, Oman, Pakistan, Portugal, Qatar, San Marino, Saudi Arabia, South Africa, Spain, the Sudan, Togo, Tunisia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Viet Nam and Yemen: draft resolution

The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in its Charter,

Recalling the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

[1] Resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).
[3] Resolution 1514 (XV).
[4] A/CONF.157/24 (Part I), chap. III.
[5] See resolution 50/6.

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Expressing deep concern over the difficulties facing the Middle East peace process, and expressing the hope for rapid progress in the peace process and the achievement of a final settlement between the Palestinian and Israeli sides within the agreed time,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, without excluding the option of a state;

2. *Expresses the hope* that the Palestinian people will soon be exercising their right to self-determination in the current peace process;

3. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in their quest for self-determination.

United Nations A/C.3/53/L.26*

General Assembly

Distr.: Limited
5 November 1998

Original: English

Fifty-third session
Third Committee
Agenda item 109
Right of peoples to self-determination

Afghanistan, Algeria, Andorra, Austria, Bahrain, Bangladesh, Belgium, Benin, Botswana, Brazil, Brunei Darussalam, Chile, Cuba, Cyprus, Denmark, Djibouti, Egypt, Finland, France, Germany, Greece, Guinea, Guyana, India, Indonesia, Ireland, Italy, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Luxembourg, Madagascar, Malaysia, Mali, Mauritania, Monaco, Morocco, Namibia, Netherlands, Nigeria, Oman, Pakistan, Portugal, Qatar, San Marino, Saudi Arabia, Senegal, South Africa, Spain, Sudan, Sweden, Togo, Tunisia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Viet Nam, Yemen, Zimbabwe and Palestine: draft resolution

The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in its Charter,

Recalling the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

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* Reissued for technical reasons.

1 Resolution 2200 A (XXI), annex.

2 Resolution 217 A (III).

3 Resolution 1514 (XV).

4 A/CONF.157/24 (Part I), chap. II.

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Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Expressing deep concern over the difficulties facing the Middle East peace process, and expressing the hope for rapid progress in the peace process and the achievement of a final settlement between the Palestinian and Israeli sides within the agreed time,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, without excluding the option of a state;

2. *Expresses the hope* that the Palestinian people will soon be exercising their right to self-determination in the current peace process;

3. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in their quest for self-determination.

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[5] See resolution 50/6.

United Nations A/C.3/53/L.27

General Assembly

Distr.: Limited
4 November 1998

Original: English

Fifty-third session
Third Committee
Agenda item 104
Implementation of the outcome of the Fourth World Conference on Women

Draft resolution submitted by the Chairperson of the Third Committee on the basis of informal consultations

Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action

The General Assembly,

Recalling its resolutions 50/42 of 8 December 1995, 50/203 of 22 December 1995 and 51/69 of 12 December 1996,

Also recalling its resolutions 52/100 of 12 December 1997 and 52/231 of 4 June 1998, by which it decided to convene a high-level plenary review as a special session of the General Assembly to appraise and assess the progress achieved in the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women and the Beijing Declaration and Platform for Action, five years after its adoption, and to consider further actions and initiatives,

Taking note of Economic and Social Council resolution 1996/6 of 22 July 1996 on the follow-up to the Fourth World Conference on Women, as well as Council agreed conclusions 1997/2 of 18 July 1997[1] and resolutions 1998/43 of 31 July 1998 on mainstreaming the gender perspective into all policies and programmes in the United Nations system and 1998/26 of 28 July 1998 on implementation of the Platform for Action and the role of operational activities in promoting, in particular, capacity-building and resource mobilization for enhancing the participation of women in development,

[1] A/52/3, chap. IV, para. 5.

98-33689 (E) 051198

Reaffirming that the full implementation of the Platform for Action[2] requires immediate and concerted action by all to create a peaceful, just and humane world based on all human rights and fundamental freedoms, including the principle of equality for all people of all ages and from all walks of life and, to that end, recognizing that broad-based and sustained economic growth in the context of sustainable development is necessary to sustain social development and social justice,

Deeply convinced that the Beijing Declaration[3] and Platform for Action adopted at the Fourth World Conference on Women are important contributions to the advancement of women worldwide in order to achieve gender equality and must be translated into effective action by all States, the United Nations system and other organizations concerned, as well as by non-governmental organizations,

Recognizing that the implementation of the Platform for Action rests primarily at the national level, that Governments, non-governmental organizations and public and private institutions should be involved in the implementation process and that national mechanisms also have an essential role in this regard, and bearing in mind that enhanced national efforts and international cooperation are essential for the effective implementation of the Beijing Declaration and Platform for Action,

Reaffirming its decision that the General Assembly, the Economic and Social Council and the Commission on the Status of Women, in accordance with their respective mandates and with Assembly resolution 48/162 of 20 December 1993 and other relevant resolutions, constitute a three-tiered intergovernmental mechanism that plays the primary role in the overall policy-making and follow-up and in coordinating the implementation and monitoring of the Platform for Action, and reaffirming the need for a coordinated follow-up to and implementation of the results of major international conferences in the economic, social and related fields,

Reaffirming that the Commission on the Status of Women has a central role as a functional commission assisting the Economic and Social Council in the monitoring, within the United Nations system, of the implementation of the Platform for Action and in advising the Council thereon, and serves as the preparatory body for the special session of the General Assembly, open to the participation of all States Members of the United Nations, members of the specialized agencies and observers, in accordance with the established practice of the General Assembly,

1. *Takes note with appreciation* of the report of the Secretary-General on the implementation of the outcome of the Fourth World Conference on Women;[4]

2. *Welcomes* the initiatives and actions taken by Governments, the United Nations system and other international organizations, including their secretariats, as well as by non-governmental organizations and other actors of civil society, towards the implementation of the Beijing Declaration and Platform for Action adopted by the Conference, and calls upon them to implement effectively all critical areas of concern of the Platform for Action;

3. *Calls once again upon* States, the United Nations system and all other actors to implement the Platform for Action, in particular by promoting an active and visible policy of mainstreaming a gender perspective at all levels, including in the design, monitoring and

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[2] *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales No. 96.IV.13), resolution 1, annex II.

[3] Ibid., annex I.

[4] A/53/308.

evaluation of all policies and programmes to ensure effective implementation of all critical areas of concern in the Platform for Action;

4. *Stresses* that Governments have the primary responsibility for implementing the Platform for Action, and reaffirms that Governments should continue to commit themselves at the highest political level to its implementation and should take a leading role in coordinating, monitoring and assessing progress in the advancement of women;

5. *Welcomes* the progress achieved and calls for further intensified efforts at the international level to integrate the equal status and all human rights of women into the mainstream of United Nations system-wide activity, and to address those issues regularly and systematically throughout relevant United Nations bodies and mechanisms and welcomes, in this context, Economic and Social Council agreed conclusions 1998/2 of 28 July 1998 on the follow-up to and implementation of the Vienna Declaration and Programme of Action;[5]

6. *Welcomes* the steps already taken by the Secretary-General to draw the attention of all senior managers in the United Nations system to Economic and Social Council agreed conclusions 1997/2 and resolution 1998/43 on mainstreaming the gender perspective into all policies and programmes in the United Nations system, and urges the Secretary-General to intensify his efforts to ensure that managers are held accountable for gender mainstreaming in their areas of responsibility and that gender mainstreaming is systematically integrated into the reform process of the United Nations, including the work of the executive committees;

7. *Directs* all its committees and bodies and draws the attention of other bodies of the United Nations system to the need to mainstream a gender perspective systematically into all areas of their work, in particular in such areas as macroeconomic questions, operational activities for development, poverty eradication, human rights, humanitarian assistance, budgeting, disarmament, peace and security, and legal and political matters;

8. *Requests* all bodies that deal with programme and budgetary matters, including the Committee for Programme and Coordination and the governing bodies of the United Nations funds and programmes, to ensure that all programmes, medium-term plans and in particular programme budgets visibly mainstream a gender perspective;

9. *Reiterates* the request of the Economic and Social Council to the Secretariat to present issues and approaches in a gender-sensitive manner when preparing reports, so as to provide the intergovernmental machinery with an analytical basis for gender-responsive policy formulation;

10. *Requests* the Economic and Social Council to ensure that gender mainstreaming is an integral part of all its activities concerning integrated follow-up to recent United Nations conferences, building upon its agreed conclusions 1997/2 and resolution 1998/43;

11. *Re-emphasizes* the need for the United Nations system to strengthen the role of gender units and gender focal points;

12. *Urges* Governments that have not yet done so to establish or strengthen appropriate national machineries for the advancement of women at the highest political level, including by appropriate budgetary allocations to ensure their effective operation, appropriate intra- and inter-ministerial procedures and staffing, and other institutions with

[5] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 3* (A/53/3), chap. VI, para. 3.

the mandate and capacity to promote women's participation and integrate gender analysis into policies and programmes;

13. *Notes with appreciation* that many Governments have developed national strategies and action plans, some of them in consultation with non-governmental organizations, and urges all Governments that have not yet done so to complete their national action plans as soon as possible but no later than June 1999 and to submit these plans to the Secretariat;

14. *Encourages* Governments to submit responses to the questionnaire prepared by the Secretariat in consultation with the regional commissions that, together with the national action plans, are an essential contribution to the special session of the General Assembly;

15. *Reiterates* its invitation to Governments to prepare national evaluations of the implementation of the Platform for Action with the involvement of civil society;

16. *Recognizes* the importance attached to the regional and subregional monitoring of the global and regional platforms for action by regional commissions and other subregional or regional structures, within their mandates, in consultation with Governments, and calls for promotion of cooperation among Governments and, where appropriate, national machineries of the same region in that respect;

17. *Calls upon* States to take action to fulfil the commitments for the advancement of women and for the strengthening of international cooperation made at the Fourth World Conference on Women, and reaffirms that adequate financial resources should be committed at the international level for the implementation of the Platform for Action in developing countries, in particular those in Africa and the least developed countries;

18. *Invites* the Secretary-General, in the implementation of the United Nations System-wide Special Initiative on Africa, to pay special attention to the needs and role of women as actors and beneficiaries in the development process;

19. *Reaffirms* that, in order to implement the Platform for Action, adequate mobilization of resources at the national and international levels, as well as new and additional resources to the developing countries, in particular those in Africa and the least developed countries, from all available funding mechanisms, including multilateral, bilateral and private sources for the advancement of women, will also be required;

20. *Recognizes* that implementation of the Platform for Action in the countries with economies in transition requires continued national efforts and international cooperation and assistance, as indicated in the Platform for Action;

21. *Reaffirms* that in order to implement the Platform for Action a reformulation of policies and reallocation of resources may be needed, but that some policy changes may not necessarily have financial implications;

22. *Calls upon* Member States to allocate sufficient resources for the provision of data disaggregated by sex and age for undertaking gender impact analyses in order to develop successful national implementation strategies for the Platform for Action;

23. *Stresses* that full and effective implementation of the Platform for Action will require a political commitment to make available human and financial resources for the empowerment of women, the integration of a gender perspective in budgetary decisions on policies and programmes and adequate financing of specific programmes for securing equality between women and men;

24. *Invites* Member States to encourage non-governmental organizations, the private sector and other institutions to mobilize additional resources to facilitate the full implementation of the Platform for Action in order to achieve gender equality;

25. *Recognizes* that the creation of an enabling environment, at the national and international levels, is necessary to ensure the full participation of women in economic activities, and calls upon States to remove obstacles for the full implementation of the Beijing Declaration and the Platform for Action;

26. *Calls again upon* Member States to commit themselves to achieving gender balance by, *inter alia*, aiming at gender balance in the composition of delegations to the United Nations and other international forums, and by presenting, promoting and appointing women candidates in all government-appointed committees, boards and other relevant official bodies, as well as in all international bodies, institutions and organizations;

27. *Reiterates* its request to the Secretary-General to ensure that the Division for the Advancement of Women can effectively carry out all the tasks foreseen for it in the Platform for Action, play a catalytic role in support of gender mainstreaming, including through policy advisory services at the request of Governments, in cooperation with other bodies of the United Nations system, and serve as the secretariat for the special session of the General Assembly by, *inter alia*, providing sufficient human and financial resources within the regular budget of the United Nations;

28. *Notes with appreciation* the work done by the Special Adviser on Gender Issues and Advancement of Women, *inter alia*, in her role as the Chairperson of the Inter-Agency Committee on Women and Gender Equality, for the system-wide implementation of the Platform for Action and gender mainstreaming and towards the achievement of gender balance in the Secretariat and system-wide and, in that regard, stresses the importance of increasing human and financial resources from all available funding sources;

29. *Takes note* of the statement on gender equality and mainstreaming in the work of the United Nations system, adopted by the Administrative Committee on Coordination in March 1998, in which gender equality was established as a strategic objective of the international community and of the organizations of the United Nations system;

30. *Encourages* the Inter-Agency Committee on Women and Gender Equality to continue its cooperation with the subsidiary bodies of the Administrative Committee on Coordination to develop strategies, tools and methodologies, such as gender-sensitive budgeting, to enhance implementation and monitoring of the Platform for Action and gender mainstreaming in the United Nations system;

31. *Requests* the Secretary-General, in keeping with Economic and Social Council resolution 1998/26, to ensure that a gender perspective is integral to all operational activities, is fully integrated into the triennial comprehensive policy review of those activities and that resident coordinators, in the execution of their mandates, fully incorporate a gender perspective, in particular into the coordinated follow-up to recent global United Nations conferences, fully utilizing all the expertise available in the United Nations system;

32. *Invites* States parties to the Convention on the Elimination of All Forms of Discrimination against Women to include information in their reports on measures taken to implement the Platform for Action;

33. *Notes* the importance of the activities undertaken by the United Nations Development Fund for Women and the International Research and Training Institute for the Advancement of Women in the implementation of the Platform for Action, and

encourages the strengthening of their cooperation and coordination within their respective mandates;

34. *Encourages* international financial institutions to continue to review and revise policies, procedures and staffing to ensure that investments and programmes benefit women and invites the Secretary-General to include information on any such steps in his regular report on follow-up to the Fourth World Conference on Women, to be submitted to the General Assembly at its fifty-fourth session;

35. *Invites* the World Trade Organization to contribute to the implementation of the Platform for Action, including through activities in cooperation with the United Nations system;

36. *Reiterates* that the special session of the General Assembly, which will take place from 5 to 9 June 2000, should review and appraise progress in implementation, focusing on examples of good practices, positive actions, lessons learned, obstacles and key challenges remaining, and identify further actions and initiatives for achieving gender equality in the next millennium;

37. *Decides* that the special session of the General Assembly shall be entitled "Women 2000: gender equality, development and peace for the twenty-first century";

38. *Encourages* appropriate regional preparatory activities for the special session, *inter alia*, by Governments in cooperation with the regional commissions, and recommends submission of the results as an input to the Commission on the Status of Women at its forty-fourth session, in 2000;

39. *Invites* the Commission on the Status of Women acting as the preparatory committee for the special session to propose the agenda (structure and themes) and documentation for the special session, taking into account General Assembly resolution 52/231, and, at its forty-third session, to focus in particular on the report requested on suggestions on further actions and initiatives that might be considered during the review in order to achieve gender equality, with attention to mainstreaming a gender perspective and to common trends and themes across the twelve critical areas of concern;

40. *Reiterates* its request to the Secretary-General to submit to the Commission at its forty-third session a report on suggestions for further actions and initiatives;

41. *Requests* the Secretary-General to provide by the end of 1999 a compilation of updated statistics and indicators on the situation of women and girls, including older women and those with special needs, in countries around the world, including by issuing a volume of *The World's Women*;

42. *Reiterates* that participation in the special session should be at a high political level;

43. *Emphasizes* the important role of non-governmental organizations in implementing the Platform for Action and the need for their active involvement in preparations for the special session, as well as the need to ensure appropriate arrangements for their contributions to the special session;

44. *Recalls* the interim measures put forward by the Economic and Social Council in its decision 1997/298 of 23 July 1997 for the participation of non-governmental organizations in the work of the Commission on the Status of Women with a view to their application for the forty-second session and recommends to the Council to extend their application to the forty-third session of the Commission;

45. *Invites* the Commission on the Status of Women, meeting as the preparatory committee in March 1999, to recommend to the General Assembly appropriate arrangements for the involvement and participation of non-governmental organizations in the special session;

46. *Decides* that, in the absence of a recommendation from the Commission on the Status of Women at its first meeting as the preparatory committee, in 1998, the non-governmental organizations in consultative status with the Economic and Social Council, as well as the non-governmental organizations that participated in the Fourth World Conference on Women whose applications for consultative status with the Council are still under consideration, may participate in the sessions of the Commission meeting as the preparatory committee, in 1999 and 2000;

47. *Requests* the Secretary-General to report annually to the General Assembly, the Commission on the Status of Women and the Economic and Social Council, on follow-up to and progress in implementation of the Beijing Declaration and Platform for Action;

48. *Decides* to appraise the progress on an annual basis and to retain on the agenda of its forthcoming sessions the item entitled "Implementation of the outcome of the Fourth World Conference on Women".

United Nations A/C.3/53/L.28

General Assembly

Distr.: Limited
10 November 1998

Original: English

Fifty-third session
Third Committee
Agenda item 110 (c)
Human rights situations and reports of special rapporteurs and representatives

Burundi, Niger, Rwanda, Swaziland and Uganda: draft resolution

Situation of human rights in Rwanda

The General Assembly,

Guided by the Charter of the United Nations, the International Bill of Human Rights,[1] the Convention on the Prevention and Punishment of the Crime of Genocide[2] and other applicable human rights and humanitarian law standards,

Mindful of the statements made by the United Nations High Commissioner for Human Rights and the Special Representative of the Commission on Human Rights, in general and on Rwanda in particular, during the fifty-third session of the General Assembly,

Noting with satisfaction the report of the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda,[3]

Bearing in mind the need to support Rwanda in its efforts to promote and create a national human rights capacity on a long-term and sustainable basis,

1. *Expresses* its appreciation to the Governments and non-governmental organizations which have supported and continue to support Rwanda in the area of human rights, and to the United Nations High Commissioner for Human Rights, and requests her to support the Government of Rwanda in the following priority areas:

(a) Training national human rights monitors;

(b) Initiating human rights education programmes in formal and informal education;

(c) Providing the National Human Rights Commission with the necessary financial and technical assistance;

[1] See resolutions 217 A (III), 2200 A (XXI), annex and 44/128, annex.
[2] Resolution 260 A (III).
[3] A/53/402.

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(d) Initiating a human rights public-awareness campaign using media resources;

(e) Establishing a national centre for human rights as an information clearing house and training centre;[4]

2. *Decides* to consider the situation of human rights in Rwanda at its fifty-fourth session, in the light of the report of the Special Representative of the Commission on Human Rights and the progress made by the Government of Rwanda in that regard.

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[4] See A/53/402, para. 18.

United Nations A/C.3/53/L.29

General Assembly

Distr.: Limited
10 November 1998

Original: English

Fifty-third session
Third Committee
Agenda item 110 (c)
Human rights situations and reports of special rapporteurs and representatives

Andorra, Canada, Czech Republic, Hungary, Ireland, Latvia, Luxembourg, Netherlands, Norway, Slovakia and United States of America: draft resolution

Situation of human rights in Rwanda

The General Assembly,

Guided by the Charter of the United Nations, the International Bill of Human Rights,[1] the Convention on the Prevention and Punishment of the Crime of Genocide[2] and other applicable human rights and humanitarian law standards,

Recalling its resolution 52/146 of 12 December 1997 and relevant previous resolutions, and taking note of Commission on Human Rights resolution 1998/69 of 21 April 1998,[3]

Reaffirming that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall Rwandan and United Nations responses to the situation in Rwanda and that a strengthened human rights component is indispensable to national reconciliation and reconstruction in Rwanda,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda[4] and the report of the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda[5] and refers also to the relevant reports of the Special Rapporteur on violence against women and the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers;

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[1] See resolutions 217 A (III), 2200 A (XXI), annex and 44/128, annex.

[2] Resolution 260 A (III).

[3] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[4] A/53/367.

[5] A/53/402.

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2. *Expresses its deep concern* at the widespread and serious violations of human rights and international humanitarian law in Rwanda, in particular at the high number of disappearances and killings in the context of the armed conflict in the north-west;

3. *Reiterates* its strong condemnation of the crime of genocide, crimes against humanity and all other violations of human rights perpetrated in Rwanda;

4. *Urges* all States to cooperate fully, without delay, with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, taking into account the obligations set forth in Security Council resolutions 955 (1994) of 8 November 1994 and 978 (1995) of 27 February 1995, and encourages the Secretary-General to facilitate the activities of the International Criminal Tribunal to the greatest extent possible;

5. *Commends* the International Criminal Tribunal for Rwanda for the progress made in its work, and urges States to cooperate with the tribunal to allow it to speed up proceedings;

6. *Deeply regrets* that, despite the continued efforts of the High Commissioner for Human Rights no agreement could be reached between the Government of Rwanda and the United Nations High Commissioner for Human Rights on a new mandate for the Human Rights Field Operation in Rwanda, which consequently led to the withdrawal of the Field Operation from Rwanda on 28 July 1998;

7. *Welcomes* the decision of the Government of Rwanda to create a National Human Rights Commission, and urges the Government of Rwanda to take appropriate action to enable the Commission to be fully established and to begin functioning independently in accordance with the international principles relating to the development of independent, pluralistic national institutions for the promotion and protection of human rights;

8. *Urges* the Government of Rwanda to undertake a broad public debate aimed at further strengthening the functioning and independence of the National Human Rights Commission, urges the Government of Rwanda to work with the United Nations High Commissioner for Human Rights to facilitate the debate, and encourages the United Nations High Commissioner for Human Rights to continue to provide appropriate assistance;

9. *Notes* the commitment of the Government of Rwanda to investigating reports of extrajudicial executions committed by some members of its security forces and calls upon the competent national authorities to conduct those investigations promptly and with all due rigour;

10. *Urges* the Government of Rwanda to give utmost priority to the prosecution and punishment of crimes of sexual violence committed against women, in line with the recommendations of the Special Rapporteur on violence against women;

11. *Stresses* the need for continued efforts by the Government of Rwanda to ensure the independence of the judiciary and to further strengthen, with the support of the international community, the capacity of the judicial system, particularly to take additional steps to ensure full respect of fair trial guarantees, as required by Rwandan law, article 14 of the International Covenant on Civil and Political Rights,[6] and other international safeguards;

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[6] Resolution 2200 A (XXI), annex.

12. *Welcomes* the continuation of trials of those suspected of genocide and crimes against humanity in Rwanda and the improvements that have been made in the trial process, particularly the expedition of the initial stages of prosecution;

13. *Reiterates* its appeal to the international community to provide assistance to the Government of Rwanda to help strengthen the administration of justice, including with regards to adequate access to legal representation, to prosecute those responsible for genocide and other violations of human rights and to promote the rule of law in Rwanda, and notes with appreciation the assistance already provided by the donor community;

14. *Welcomes and encourages* the release of detained persons on humanitarian grounds and urges the Government of Rwanda to establish adequate measures to facilitate the reintegration of released persons into society;

15. *Reiterates its concern* at the conditions in most communal detention centres and prisons, emphasizes the need for greater attention and resources to be directed to that problem and encourages the Government of Rwanda to continue to look for pragmatic solutions to allow for an increase of the number of prisoners being released and reintegrated into society, and again urges the international community to assist the Government of Rwanda in that area;

16. *Encourages* continued cooperation among the United Nations High Commissioner for Human Rights, the Special Representative of the Commission on Human Rights and the Government of Rwanda;

17. *Decides* to keep the situation of human rights in Rwanda under consideration at its fifty-fourth session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

United Nations A/C.3/53/L.29/Rev.1

General Assembly

Distr.: Limited
19 November 1998

Original: English

Fifty-third session
Third Committee
Agenda item 110 (c)
Human rights situations and reports of special rapporteurs and representatives

Andorra, Austria, Belgium, Canada, Chile, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Portugal, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: revised draft resolution

Situation of human rights in Rwanda

The General Assembly,

Guided by the Charter of the United Nations, the International Bill of Human Rights,[1] the Convention on the Prevention and Punishment of the Crime of Genocide[2] and other applicable human rights and humanitarian law standards,

Recalling its resolution 52/146 of 12 December 1997 and relevant previous resolutions, and taking note of Commission on Human Rights resolution 1998/69 of 21 April 1998,[3]

Reaffirming that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall Rwandan and United Nations responses to the situation in Rwanda and that a strengthened human rights component is indispensable to national reconciliation and reconstruction in Rwanda,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda[4] and the report of the Special Representative of the Commission on Human Rights on the situation of human rights in

[1] See resolutions 217 A (III), 2200 A (XXI), annex and 44/128, annex.
[2] Resolution 260 A (III).
[3] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.
[4] A/53/367.

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Rwanda[5] and refers also to the relevant reports of the Special Rapporteur on violence against women and the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers;

2. *Reiterates* its strong condemnation of the crime of genocide and crimes against humanity committed in Rwanda in 1994;

3. *Expresses its deep concern* at the continued serious violations of human rights and international humanitarian law in Rwanda, in particular in the northwestern part of the country;

4. *Urges* all States to cooperate fully, without delay, with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, taking into account the obligations set forth in Security Council resolutions 955 (1994) of 8 November 1994 and 978 (1995) of 27 February 1995, and encourages the Secretary-General to facilitate the activities of the International Criminal Tribunal to the greatest extent possible;

5. *Commends* the International Criminal Tribunal for Rwanda for the progress made in its work, and urges the Tribunal to find further ways to speed up its proceedings;

6. *Deeply regrets* that no agreement could be reached on a new mandate for the Human Rights Field Operation in Rwanda, which consequently led to the withdrawal of the Field Operation from Rwanda on 28 July 1998;

7. *Welcomes* the decision of the Government of Rwanda to create a National Human Rights Commission, and urges the Government of Rwanda to take appropriate action to enable the Commission to be fully established and to begin functioning independently in accordance with the international principles relating to the development of independent, pluralistic national institutions for the promotion and protection of human rights;

8. *Encourages* further efforts by the Government of Rwanda to undertake a broad public debate aimed at further strengthening the functioning and independence of the National Human Rights Commission, urges the Government of Rwanda to work with the United Nations High Commissioner for Human Rights to facilitate the debate, and encourages the United Nations High Commissioner for Human Rights to continue to provide appropriate assistance;

9. *Supports and encourages* continued efforts by the Government of Rwanda to prosecute violations committed by some elements of its armed forces, and in this context notes with interest the reinforcement of the Military Prosecutors Department, which will increase the capacity of the Rwandese Patriotic Army to conduct internal investigations and bring accused persons to trial;

10. *Urges* the Government of Rwanda to give utmost priority to the prosecution and punishment of crimes of sexual violence committed against women, in line with the recommendations of the Special Rapporteur on violence against women;

11. *Encourages* the Government of Rwanda to further ensure the independence of the judiciary and to strengthen, with the support of the international community, the capacity of the judicial system, particularly taking additional steps to ensure full respect of fair trial

[5] A/53/402.

guarantees, as required by Rwandan law, article 14 of the International Covenant on Civil and Political Rights,[6] and other international safeguards;

12. *Welcomes* the continuation of trials of those suspected of genocide and crimes against humanity in Rwanda and the improvements that have been made in the trial process, particularly the expedition of the initial stages of prosecution;

13. *Reiterates* its appeal to the international community to provide assistance to the Government of Rwanda to help strengthen the protection of genocide survivors and witnesses, and the administration of justice, including with regards to adequate access to legal representation, to prosecute those responsible for genocide and other violations of human rights and to promote the rule of law in Rwanda, and notes with appreciation the assistance already provided by the donor community;

14. *Welcomes and encourages* the release of minors, elderly prisoners, prisoners suffering from terminal illnesses and suspects with incomplete files, who were detained for their alleged involvement in genocide and other abuses of human rights, and urges the Government of Rwanda to establish adequate measures to facilitate the reintegration of released persons into society;

15. *Reiterates its concern* at the conditions in most communal detention centres and prisons, emphasizes the need for greater attention and resources to be directed to that problem and encourages the Government of Rwanda to continue to look for pragmatic solutions to allow for an increase of the number of prisoners being released and reintegrated into society, and again urges the international community to assist the Government of Rwanda in that area;

16. *Notes* the initiative of the Government of Rwanda in outlining its five-point human rights plan, as well as efforts to strengthen the administration of justice;

17. *Expresses* its appreciation to Governments, the United Nations High Commissioner for Human Rights and non-governmental organizations, which have supported the Government of Rwanda in the area of human rights, and encourages the Government of Rwanda to cooperate with and to seek the assistance of the United Nations High Commissioner for Human Rights and other interested parties, within mutually agreed frameworks of cooperation;

18. *Encourages* continued cooperation among the United Nations High Commissioner for Human Rights, the Special Representative of the Commission on Human Rights and the Government of Rwanda;

19. *Decides* to keep the situation of human rights in Rwanda under consideration at its fifty-fourth session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

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[6] Resolution 2200 A (XXI), annex.

United Nations A/C.3/53/L.30

General Assembly

Distr.: Limited
11 November 1998

Original: English

Fifty-third session
Third Committee
Agenda item 105
Report of the United Nations High Commissioner for Refugees: questions relating to refugees and displaced persons and humanitarian questions

Mozambique: draft resolution

Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

The General Assembly,

Taking note of Economic and Social Council decision 1998/211 of 7 May 1998 concerning the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Taking note also of the request regarding the enlargement of the Executive Committee, contained in the note verbale dated 14 October 1997 from the Permanent Mission of Mozambique to the United Nations addressed to the Secretary-General,[1]

Welcomes the accession of the Republic of Mozambique to the 1951 Convention relating to the Status of Refugees[2] and its 1967 Protocol and its ratification of the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969,[3]

1. *Decides* to increase the number of members of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees from fifty-three to fifty-four States;

2. *Requests* the Economic and Social Council to elect the additional member at its organizational session for 1999.

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[1] E/1998/3.
[2] United Nations, *Treaty Series*, vol. 189, No. 2545.
[3] Ibid., vol. 1520, No. 26363.

98-34676 (E) 111198

United Nations A/C.3/53/L.31

General Assembly

Distr.: Limited
11 November 1998

Original: English

Fifty-third session
Third Committee
Agenda item 105
Report of the United Nations High Commissioner for Refugees: questions relating to refugees and displaced persons and humanitarian questions

Afghanistan, Bangladesh, Botswana, Chad, Costa Rica, Dominican Republic, Ecuador, El Salvador, Jordan, Kenya, Madagascar, Morocco, Pakistan, Panama, Qatar, Sudan, Syrian Arab Republic and Yemen: draft resolution

Assistance to unaccompanied refugee minors

The General Assembly,

Recalling its resolutions 49/172 of 23 December 1994, 50/150 of 21 December 1995, 51/73 of 12 December 1996 and 52/105 of 12 December 1997,

Aware of the fact that the majority of refugees are children and women,

Bearing in mind that unaccompanied refugee minors are among the most vulnerable refugees and the most at risk of neglect, violence, forced military recruitment, sexual assault and other abuses and therefore require special assistance and care,

Mindful of the fact that the ultimate solution to the plight of unaccompanied minors is their return to and reunification with their families,

Noting the revised Guidelines on Refugee Children issued by the Office of the United Nations High Commissioner for Refugees in May 1994 and the development of an emergency kit to facilitate coordination and to enhance the quality of responses to the needs of unaccompanied minors by the Office of the High Commissioner, the United Nations Children's fund and non-governmental organizations,

Noting with appreciation the efforts of the Office of the High Commissioner for Refugees and the United Nations Children's Fund in the identification and tracing of unaccompanied refugee minors, and welcoming their efforts in reunifying family members of refugees,

98-34682 (E) 111198

Welcoming the efforts exerted by the United Nations High Commissioner for Refugees for the reunification of family members of refugees,

Noting the efforts of the High Commissioner to ensure the protection of and assistance to refugees, including children and unaccompanied minors, and that further efforts need to be exerted to this effect,

Recalling the provisions of the Convention on the Rights of the Child[1] and the 1951 Convention[2] and the 1967 Protocol[3] relating to the Status of Refugees,

1. *Takes note* of the report of the Secretary-General;[4]

2. *Also takes note* of the report of the Special Representative of the Secretary-General for Children and Armed Conflict;[5]

3. *Expresses its deep concern* at the continued plight of unaccompanied refugee minors, and emphasizes once again the urgent need for their early identification and for timely, detailed and accurate information on their number and whereabouts;

4. *Expresses the hope once again* that adequate resources will be provided for programmes of identification and tracing of unaccompanied refugee minors;

5. *Calls upon* the Office of the United Nations High Commissioner for Refugees, in cooperation with other relevant United Nations bodies, to incorporate into its programmes policies that aim at preventing refugee family separation, conscious of the importance of family unity;

6. *Calls upon* all Governments, the Secretary-General, the Office of the High Commissioner, all United Nations organizations, other international organizations and non-governmental organizations concerned to exert the maximum effort to assist and protect refugee minors and to expedite the return to and reunification with their families of unaccompanied refugee minors;

7. *Urges* the Office of the High Commissioner, all United Nations organizations, other international organizations and non-governmental organizations concerned to take appropriate steps to mobilize resources commensurate with the needs and interests of unaccompanied refugee minors and for their reunification with their families;

8. *Calls upon* all States and other parties to armed conflict to respect international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949[6] and related instruments, while bearing in mind resolution 2 adopted at the twenty-sixth International Conference of the Red Cross and Red Crescent, held at Geneva in December 1995, and to respect the provisions of the Convention on the Rights of the Child,[1] which accord children affected by armed conflict special protection and treatment;

9. *Condemns* all acts of exploitation of unaccompanied refugee minors, including their use as soldiers or human shields in armed conflict and their forced recruitment into military forces, and any other acts that endanger their safety and personal security;

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[1] Resolution 44/25, annex.

[2] United Nations, *Treaty Series*, vol. 189, No. 2545.

[3] Ibid., vol. 606, No. 8791.

[4] A/53/325.

[5] A/53/482, annex.

[6] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

10. *Calls upon* the Secretary-General, the United Nations High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs of the Secretariat, the United Nations Children's Fund, other United Nations organizations and other international organizations to mobilize adequate assistance to unaccompanied refugee minors in the areas of relief, education, health and psychological rehabilitation;

11. *Encourages* the Special Representative of the Secretary-General for Children and Armed Conflict in his efforts to raise awareness worldwide and to mobilize official and public opinion for the protection of children affected by armed conflict, including refugee minors;

12. *Requests* the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution and to give special attention to the girl-child refugee in his report.

United Nations A/C.3/53/L.32

General Assembly

Distr.: Limited
11 November 1998

Original: English

Fifty-third session
Third Committee
Agenda item 110 (b)
Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, El Salvador, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, India, Ireland, Israel, Italy, Latvia, Liechtenstein, Luxembourg, Mali, Malta, Mauritius, Monaco, Netherlands, New Zealand, Norway, Philippines, Poland, Portugal, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Suriname, Sweden, the former Yugoslav Republic of Macedonia, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela: draft resolution

Elimination of all forms of religious intolerance

The General Assembly,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter,

Recalling, in this fiftieth anniversary of the Universal Declaration of Human Rights,[1] Article 18 of the Declaration,

[1] Resolution 217 A (III).

98-34694 (E) 111198

Reaffirming also its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling article 18 of the International Covenant on Civil and Political Rights,[2]

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others,

Reaffirming the call of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, for all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,[3]

Calling upon all Governments to cooperate with the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief to enable him to carry out his mandate fully,

Alarmed that serious instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion motivated by religious intolerance, occur in many parts of the world and threaten the enjoyment of human rights and fundamental freedoms,

Deeply concerned that, as reported by the Special Rapporteur, the rights violated on religious grounds include the right to life, the right to physical integrity and to liberty and security of person, the right to freedom of expression, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and the right not to be arbitrarily arrested or detained,[4]

Believing that further efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief,

1. *Reaffirms* that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. *Urges* States to ensure that their constitutional and legal systems provide effective guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies in cases where the right to freedom of religion or belief is violated;

3. *Also urges* States to ensure, in particular, that no one within their jurisdiction is, because of his or her religion or belief, deprived of the right to life or the right to liberty and security of person or subjected to torture or arbitrary arrest or detention;

4. *Further urges* States, in conformity with international standards of human rights, to take all necessary action to prevent such instances, to take all appropriate measures to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by

[2] See resolution 2200 A (XXI), annex.

[3] A/CONF.157/24 (Part I), chap. III, sect. II, para. 22.

[4] E/CN.4/1994/79, para. 103.

religious intolerance and to encourage, through the educational system and by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief;

5. *Recognizes* that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief;

6. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

7. *Urges* States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

8. *Calls upon* all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for those purposes;

9. *Expresses its grave concern* at any attack upon religious places, sites and shrines, and calls upon all States, in accordance with their national legislation and in conformity with international human rights standards, to exert the utmost efforts to ensure that such places, sites and shrines are fully respected and protected;

10. *Recognizes* that the exercise of tolerance and non-discrimination by persons and groups is necessary for the full realization of the aims of the Declaration;

11. *Encourages* the continued efforts on the part of the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief, appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

12. *Encourages* Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

13. *Also encourages* Governments, when seeking the assistance of the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights, to consider, where appropriate, including requests for assistance in the field of the promotion and protection of the right to freedom of thought, conscience and religion;

14. *Welcomes and encourages* the efforts of non-governmental organizations and religious bodies and groups to promote the implementation of the Declaration, and invites them to consider what further contribution they could make to its implementation and dissemination in all parts of the world;

15. *Requests* the Commission on Human Rights to continue its consideration of measures to implement the Declaration;

16. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fourth session;

17. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary staffing, financial and material resources to enable him to discharge his mandate in full and on time;

18. *Decides* to consider the question of the elimination of all forms of religious intolerance at its fifty-fourth session under the item entitled "Human rights questions".

United Nations A/C.3/53/L.33

General Assembly

Distr.: Limited
11 November 1998

Original: English

Fifty-third session
Third Committee
Agenda item 110 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

South Africa*: draft resolution

Human rights and unilateral coercive measures

The General Assembly,

Recalling its resolutions 51/103 of 12 December 1996 and 52/120 of 12 December 1997, and noting resolution 1998/11 of 9 April 1998 of the Commission on Human Rights,[1]

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, in which it declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from its the subordination of the exercise of its sovereign rights,

Taking note of the report submitted by the Secretary-General[2] pursuant to Commission on Human Rights resolution 1995/45 of 3 March 1995,[3] and the report of the Secretary-General on the implementation of Assembly resolution 52/120,[4]

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as an integral part of all human rights,

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* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

1 See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23-E/CN.4/1998/177), chap. II, sect. A.

2 E/CN.4/1996/45 and Add.1.

3 See *Official Records of the Economic and Social Council, 1995, Supplement No. 3* and corrigenda (E/1995/23 and Corr.1 and 2), chap. II, sect. A.

4 A/53/293 and Add.1.

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Recalling that the World Conference on Human Rights called upon States to refrain from any unilateral coercive measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,[5]

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development, adopted by the World Summit for Social Development on 12 March 1995,[6] the Beijing Declaration and Platform for Action, adopted by the Fourth World Conference on Women on 15 September 1995,[7] and the Istanbul Declaration on Human Settlements and the Habitat Agenda adopted on 14 June 1996 by the United Nations Conference for Human Settlements (Habitat II),[8]

Deeply concerned that, despite the recommendations adopted on this issue by the General Assembly and recent major United Nations conferences and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their extraterritorial effects, *inter alia*, on the economic and social development of targeted countries and peoples and individuals under the jurisdiction of other States,

Noting the continuing efforts of the Working Group on the Right to Development and reaffirming in particular its criteria according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,[9]

1. *Urges* all States to refrain from adopting or implementing any unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights[10] and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Rejects* unilateral coercive measures with all their extraterritorial effects as tools for political or economic pressure against any country, in particular against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, in particular children, women and the elderly;

3. *Calls upon* Member States that have initiated such measures to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are party by revoking such measures at the earliest time possible;

4. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

5. *Urges* the Commission on Human Rights to take fully into account the negative impact of unilateral coercive measures, including enactment of national laws and their

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[5] See A/CONF.157/24 (Part I), chap. III, sect. I, para. 31.

[6] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

[7] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[8] A/CONF.165/14, chap. I, resolution 1, annexes I and II.

[9] Resolution 41/128, annex.

[10] Resolution 217 A (III).

extraterritorial application, in its task concerning the implementation of the right to development;

6. *Requests* the United Nations High Commissioner for Human Rights, in discharging her functions relating to the promotion, realization and protection of the right to development, to give urgent consideration to the present resolution in her annual report to the General Assembly;

7. *Requests* the Secretary-General to bring to the present resolution to the attention of all Member States to seek their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit accordingly a report thereon to the General Assembly at its fifty-fourth session;

8. *Decides* to examine the question on a priority basis at its fifty-fourth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

United Nations A/C.3/53/L.34

General Assembly

Distr.: Limited
11 November 1998

Original: English

Fifty-third session
Third Committee
Agenda item 110 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Andorra, Argentina, Australia, Austria,* Bulgaria, Canada, Costa Rica, Czech Republic, Hungary, Iceland, Ireland, Israel, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Monaco, Norway, Poland, San Marino, Slovakia and United States of America: draft resolution

Situation of human rights in Iraq

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Mindful that Iraq is a party to the International Covenants on Human Rights, to other international human rights instruments and to the Geneva Conventions of 12 August 1949[3] on the protection of victims of war,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, and taking note of the most recent Commission on Human Rights resolution 1998/65 of 21 April 1998,[4]

Taking note of the concluding observations of the Committee on the Rights of the Child following the Committee's consideration of the initial report of Iraq under the Convention on the Rights of the Child,[5]

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* On behalf of the States Members of the United Nations that are members of the European Union.

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

[4] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[5] Resolution 44/25, annex.

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Recalling Security Council resolution 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention; Security Council resolutions 687 (1991) of 3 April 1991; and 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with international humanitarian organizations and that the human rights of all Iraqi citizens be respected; and Security Council resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998 and 1175 (1998) of 19 June 1998, by which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies,

Taking note of the reports of the Secretary-General concerning the implementation of Security Council resolutions 986 (1995),[6] 1111 (1997),[7] 1129 (1997),[8] 1143 (1997)[9] and 1153 (1998),[10] in particular his report of 1 September 1998,[10]

1. *Takes note with appreciation* of the interim report on the situation of human rights in Iraq submitted by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq[11] and the observations, conclusions and recommendations contained therein, and notes with dismay that there has been no improvement in the situation of human rights in the country;

2. *Calls upon* the Government of Iraq to abide by its freely undertaken obligations under international human rights treaties and international humanitarian law and to respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

3. *Also calls upon* the Government of Iraq to cooperate with United Nations human rights mechanisms, in particular by receiving a return visit by the Special Rapporteur of the Commission on Human Rights to Iraq and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

4. *Strongly condemns* the systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in all-pervasive repression and oppression;

5. *Condemns* the suppression of freedom of thought, expression, information, association, assembly and movement through fear of arrest, imprisonment and other sanctions, in particular the death penalty;

6. *Also condemns* the widespread use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights[12] and the United Nations safeguards, including for petty crimes such as property theft and customs violations;

7. *Strongly condemns* summary and arbitrary executions, including political killings, enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law, and

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[6] S/1996/1015.

[7] S/1997/935.

[8] S/1998/90.

[9] S/1998/194 and Corr.1 and S/1998/477.

[10] S/1998/823.

[11] A/53/433.

[12] See resolution 2200 A (XXI), annex.

calls upon the Government of Iraq to provide an accounting for the clean-out of prisons where there is credible evidence of mass summary executions;

8. *Expresses its deep concern* at widespread, systematic torture in its most cruel forms, and the enactment and implementation of decrees prescribing cruel and inhuman punishment as a penalty for offences;

9. *Calls upon* the Government of Iraq to abrogate all decrees that prescribe cruel and inhuman punishment or treatment, including mutilations, and to ensure that torture and cruel punishment and treatment no longer occur, and also to abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression and to ensure that the genuine will of the people shall be the basis of the authority of the State;

10. *Also calls upon* the Government of Iraq to restore the independence of the judiciary and to abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

11. *Demands* that the Government of Iraq bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;[12]

12. *Urges* the Government of Iraq to put an end without delay to the continuing enforced displacement of persons on discriminatory grounds;

13. *Also urges* the Government of Iraq to respect the rights of all ethnic and religious groups and to cease immediately its repressive practices aimed at the Iraqi Kurds, Assyrians, Turkomen and the population of the southern marsh areas, and to ensure the personal integrity and freedoms of the Shi'a and their religious establishment;

14. *Calls upon* the Government of Iraq to cooperate with the Tripartite Commission to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third-country nationals victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights for that purpose and to pay compensation to the families of those who had died or disappeared in the custody of the Iraqi authorities through the mechanism established by the Security Council in its resolution 692 (1991) of 20 May 1991, and to release immediately all Kuwaitis and nationals of other States who may still be held in detention;

15. *Also calls upon* the Government of Iraq to increase its cooperation with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country, in particular to ensure the right to an adequate standard of living, including to food and health care;

16. *Takes note* of the appreciation of the Secretary-General, as expressed in his report of 1 September 1998,[10] of the continued cooperation of Iraq in implementation of Security Council resolutions 986 (1995), 1111 (1997), 1129 (1997), 1143 (1997) and 1153 (1998) and the Memorandum of Understanding between the Secretariat of the United Nations and the Government of Iraq on this issue, concluded on 20 May 1996;[13]

17. *Calls upon* the Government of Iraq to continue to cooperate in the implementation of Security Council resolutions 986 (1995),1111 (1997), 1143 (1997) and 1153 (1998) and to ensure fully the equitable distribution, without discrimination, to the

[13] S/1996/356, annex.

Iraqi population of the humanitarian supplies, including to remote areas, purchased with the proceeds of Iraqi oil, and to continue to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country;

18. *Requests* the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate;

19. *Decides* to continue the examination of the situation of human rights in Iraq at its fifty-fourth session under the agenda item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

United Nations A/C.3/53/L.34*

General Assembly

Distr.: Limited
13 November 1998

Original: English

Fifty-third session
Third Committee
Agenda item 110 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Andorra, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Costa Rica, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, San Marino, Slovakia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Iraq

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Mindful that Iraq is a party to the International Covenants on Human Rights, to other international human rights instruments and to the Geneva Conventions of 12 August 1949[3] on the protection of victims of war,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, and taking note of the most recent Commission on Human Rights resolution 1998/65 of 21 April 1998,[4]

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* Reissued for technical reasons.

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

[4] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

98-35347 (E) 131198

Taking note of the concluding observations of the Committee on the Rights of the Child following the Committee's consideration of the initial report of Iraq under the Convention on the Rights of the Child,[5]

Recalling Security Council resolution 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention; Security Council resolutions 687 (1991) of 3 April 1991; and 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with international humanitarian organizations and that the human rights of all Iraqi citizens be respected; and Security Council resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998 and 1175 (1998) of 19 June 1998, by which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies,

Taking note of the reports of the Secretary-General concerning the implementation of Security Council resolutions 986 (1995),[6] 1111 (1997),[7] 1129 (1997),[8] 1143 (1997)[9] and 1153 (1998),[10] in particular his report of 1 September 1998,[10]

1. *Takes note with appreciation* of the interim report on the situation of human rights in Iraq submitted by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq[11] and the observations, conclusions and recommendations contained therein, and notes with dismay that there has been no improvement in the situation of human rights in the country;

2. *Calls upon* the Government of Iraq to abide by its freely undertaken obligations under international human rights treaties and international humanitarian law and to respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

3. *Also calls upon* the Government of Iraq to cooperate with United Nations human rights mechanisms, in particular by receiving a return visit by the Special Rapporteur of the Commission on Human Rights to Iraq and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

4. *Strongly condemns* the systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in all-pervasive repression and oppression;

5. *Condemns* the suppression of freedom of thought, expression, information, association, assembly and movement through fear of arrest, imprisonment and other sanctions, in particular the death penalty;

6. *Also condemns* the widespread use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights[12] and the United Nations safeguards, including for petty crimes such as property theft and customs violations;

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[5] Resolution 44/25, annex.

[6] S/1996/1015.

[7] S/1997/935.

[8] S/1998/90.

[9] S/1998/194 and Corr.1 and S/1998/477.

[10] S/1998/823.

[11] A/53/433.

[12] See resolution 2200 A (XXI), annex.

7. *Strongly condemns* summary and arbitrary executions, including political killings, enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law, and calls upon the Government of Iraq to provide an accounting for the clean-out of prisons where there is credible evidence of mass summary executions;

8. *Expresses its deep concern* at widespread, systematic torture in its most cruel forms, and the enactment and implementation of decrees prescribing cruel and inhuman punishment as a penalty for offences;

9. *Calls upon* the Government of Iraq to abrogate all decrees that prescribe cruel and inhuman punishment or treatment, including mutilations, and to ensure that torture and cruel punishment and treatment no longer occur, and also to abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression and to ensure that the genuine will of the people shall be the basis of the authority of the State;

10. *Also calls upon* the Government of Iraq to restore the independence of the judiciary and to abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

11. *Demands* that the Government of Iraq bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;[12]

12. *Urges* the Government of Iraq to put an end without delay to the continuing enforced displacement of persons on discriminatory grounds;

13. *Also urges* the Government of Iraq to respect the rights of all ethnic and religious groups and to cease immediately its repressive practices aimed at the Iraqi Kurds, Assyrians, Turkomen and the population of the southern marsh areas, and to ensure the personal integrity and freedoms of the Shi'a and their religious establishment;

14. *Calls upon* the Government of Iraq to cooperate with the Tripartite Commission to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third-country nationals victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights for that purpose and to pay compensation to the families of those who had died or disappeared in the custody of the Iraqi authorities through the mechanism established by the Security Council in its resolution 692 (1991) of 20 May 1991, and to release immediately all Kuwaitis and nationals of other States who may still be held in detention;

15. *Also calls upon* the Government of Iraq to increase its cooperation with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country, in particular to ensure the right to an adequate standard of living, including to food and health care;

16. *Takes note* of the appreciation of the Secretary-General, as expressed in his report of 1 September 1998,[10] of the continued cooperation of Iraq in implementation of Security Council resolutions 986 (1995), 1111 (1997), 1129 (1997), 1143 (1997) and 1153 (1998) and the Memorandum of Understanding between the Secretariat of the United Nations and the Government of Iraq on this issue, concluded on 20 May 1996;[13]

[13] S/1996/356, annex.

17. *Calls upon* the Government of Iraq to continue to cooperate in the implementation of Security Council resolutions 986 (1995),1111 (1997), 1143 (1997) and 1153 (1998) and to ensure fully the equitable distribution, without discrimination, to the Iraqi population of the humanitarian supplies, including to remote areas, purchased with the proceeds of Iraqi oil, and to continue to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country;

18. *Requests* the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate;

19. *Decides* to continue the examination of the situation of human rights in Iraq at its fifty-fourth session under the agenda item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

United Nations A/C.3/53/L.35

General Assembly

Distr.: Limited
11 November 1998

Original: English

Fifty-third session
Third Committee
Agenda item 110 (b)
Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Barbados, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Cameroon, Canada, Cape Verde, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Kenya, Lesotho, Liberia, Liechtenstein, Luxembourg, Madagascar, Malawi, Mali, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia and Zimbabwe: draft resolution

Strengthening of the rule of law

The General Assembly,

Recalling that, by adopting the Universal Declaration of Human Rights,[1] fifty years ago, Member States pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

[1] Resolution 217 A (III).

98-34688 (E) 111198

Firmly convinced that the rule of law is an essential factor in the protection of human rights, as stressed in the Declaration, and should continue to attract the attention of the international community,

Convinced that, through their own national legal and judicial systems, States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the Office of the United Nations High Commissioner for Human Rights in supporting national efforts to strengthen the institutions of the rule of law,

Bearing in mind that, in its resolution 48/141 of 20 December 1993, the General Assembly entrusted the United Nations High Commissioner for Human Rights with, *inter alia*, providing advisory services and technical and financial assistance in the field of human rights, enhancing international cooperation for the promotion and protection of all human rights and coordinating human rights activities throughout the United Nations system,

Recalling the recommendation of the World Conference on Human Rights, which was held at Vienna from 14 to 25 June 1993, that a comprehensive programme be established within the United Nations with a view to helping States in the task of building and strengthening adequate national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law,[2]

Bearing in mind that the Office of the High Commissioner remains the focal point for coordinating system-wide attention to human rights, democracy and the rule of law,

Recalling its resolution 52/125 of 12 December 1997 and Commission on Human Rights resolution 1997/48 of 11 April 1997,[3]

1. *Welcomes* the report of the Secretary-General;[4]

2. *Takes note with appreciation* of the increasing number of Member States seeking assistance in strengthening and consolidating the rule of law;

3. *Praises* the efforts made by the Office of the United Nations High Commissioner for Human Rights to accomplish its ever-increasing tasks with the limited financial and personnel resources at its disposal;

4. *Expresses its deep concern* at the scarcity of means at the disposal of the Office of the High Commissioner for the fulfilment of its tasks;

5. *Notes* that the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights does not have sufficient funds to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries that are committed to those ends but that face economic hardship;

6. *Welcomes* the deepening of the ongoing cooperation between the United Nations High Commissioner for Human Rights and other relevant bodies and programmes of the United Nations system, with a view to enhancing system-wide coordination of assistance

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[2] See A/CONF.157/24 (Part I), chap. III, sect. II, para. 69.

[3] See *Official Records of the Economic and Social Council, 1997, Supplement No. 3* (E/1997/23), chap. II, sect. A.

[4] A/53/309

in human rights, democracy and the rule of law, as exemplified by the recent conclusion of a Memorandum of Understanding with the United Nations Development Programme designed to increase coordination, mutual support, efficiency and the effectiveness of rule of law assistance programming;

7. *Encourages* the High Commissioner to continue the dialogue with other organs and agencies of the United Nations system, taking into account the need to explore new synergies with a view to obtaining increased financial assistance for human rights and the rule of law;

8. *Also encourages* the High Commissioner to continue to explore the possibility of further contact with and support of financial institutions, acting within their mandates, with a view to obtaining technical and financial means to strengthen the capacity of the Office of the High Commissioner to provide assistance to national projects aiming at the realization of human rights and the maintenance of the rule of law;

9. *Requests* the High Commissioner to continue to accord high priority to the technical cooperation activities undertaken by her Office with regard to the rule of law;

10. *Expresses its appreciation* to the efforts made by the High Commissioner to undertake an analysis of the technical cooperation provided by the United Nations in the field of human rights with the aim of formulating recommendations for inter-agency coordination, funding and allocation of responsibilities in order to improve efficiency and complementarity of action concerning, *inter alia*, assistance to States in strengthening the rule of law;

11. *Requests* the Secretary-General to submit a report to the General Assembly at its fifty-fifth session on the results of the contacts established in accordance with the present resolution, as well as on any other developments pertaining to the implementation of the above-mentioned recommendation of the World Conference on Human Rights.

United Nations A/C.3/53/L.36

General Assembly

Distr.: Limited
12 November 1998

Original: English

Fifty-third session
Third Committee
Agenda item 110 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Cuba: draft resolution

Respect for the right to universal freedom of travel and the vital importance of family reunification

The General Assembly,

Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated,

Recalling the provisions of the Universal Declaration of Human Rights,[1]

Stressing that, as stated in the Programme of Action of the International Conference on Population and Development,[2] family reunification of documented migrants is an important factor in international migration, and that remittances by documented migrants to their countries of origin often constitute a very important source of foreign exchange and are instrumental in improving the well-being of relatives left behind,

Recalling its resolution 52/121 of 12 December 1997,

1. *Once again calls upon* all States to guarantee the universally recognized freedom of travel to all foreign nationals legally residing in their territory;

2. *Reaffirms* that all Governments, particularly those of receiving countries, must recognize the vital importance of family reunification and promote its incorporation into national legislation in order to ensure protection of the unity of families of documented migrants;

[1] Resolution 217 A (III).

[2] *Report of the International Conference on Population and Development, Cairo, 5–13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

98-35070 (E) 121198

3. *Calls upon* all States to allow, in conformity with international legislation, the free flow of financial remittances by foreign nationals residing in their territory to their relatives in the country of origin;

4. *Also calls upon* all States to refrain from enacting, and to repeal if it already exists, legislation intended as a coercive measure that discriminates against individuals or groups of legal migrants by adversely affecting family reunification, and the right to send financial remittances to relatives in the country of origin;

5. *Decides* to continue its consideration of this question at its fifty-fourth session under the item entitled "Human rights questions".

United Nations A/C.3/53/L.37

General Assembly

Distr.: Limited
12 November 1998

Original: English

Fifty-third session
Third Committee
Agenda item 110 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Ethiopia, Fiji, Finland, Germany, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Monaco, Netherlands, New Zealand, Norway, Panama, Peru, Portugal, Republic of Korea, Romania, Saint Lucia, San Marino, Senegal, Slovakia, Slovenia, South Africa, Spain , Sweden, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela: draft resolution

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries in the world,

98-34905 (E) 121198

Recalling Commission on Human Rights resolution 1998/7 of 3 April 1998,[1] in which the Commission approved the text of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Recalling also Economic and Social Council resolution 1998/33 of 30 July 1998, in which the Council recommended the draft declaration to the General Assembly for adoption,

Conscious of the importance of the adoption of the draft declaration in the context of the fiftieth anniversary of the Universal Declaration of Human Rights,[2]

1. *Adopts* the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to the present resolution;

2. *Invites* Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to disseminate the Declaration and to promote universal respect and understanding thereof, and requests the Secretary-General to include the text of the Declaration in the next edition of *Human Rights: A Compilation of International Instruments*.

Annex

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming also the importance of the Universal Declaration of Human Rights and the International Covenants on Human Rights as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter of the United Nations,

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[1] *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[2] Resolution 217 A (III).

Acknowledging the important role of international cooperation for and the valuable work of individuals, groups and associations in contributing to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity, and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible and interdependent and interrelated, and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Stressing that the primary responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for, and foster knowledge of, human rights and fundamental freedoms at the national and international levels,

Declares:

Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary to create all conditions necessary in the social, economic and political as well as other fields and the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Article 3

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed, and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

Article 4

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights,[a] the International Covenants on Human Rights[b] and other international instruments and commitments applicable in this field.

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

(a) To meet or assemble peacefully;

(b) To form, join and participate in non-governmental organizations, associations or groups;

(c) To communicate with non-governmental or intergovernmental organizations.

Article 6

Everyone has the right, individually and in association with others:

(a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

(b) As provided in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge of all human rights and fundamental freedoms;

(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles, and to advocate their acceptance.

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

2. This includes, *inter alia*, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs, criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

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[a] Resolution 217 A (III).

[b] Resolution 2200 A (XXI), annex.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of violation of those rights.

2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law, and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

3. To the same end, everyone has the right, individually and in association with others, *inter alia*:

(a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms by petition or other appropriate means to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(b) To attend public hearings, proceedings and trials, so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 10

No one shall participate, by act or failure to act where required, in violating human rights and fundamental freedoms, and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

Article 11

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be effectively protected under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms, through peaceful means, in accordance with article 3 of the present Declaration.

Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include, *inter alia*:

(a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;

(b) Full and equal access to international documents in the field of human rights, including the State's periodic reports to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.

3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

Article 15

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education, and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Article 16

Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, *inter alia*, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

Article 17

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

1. Everyone has duties towards and within the community in which alone the free and full development of his or her personality is possible.

2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.

3. Likewise, they have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

Article 19

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

Article 20

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.